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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 vs.

14 NICOLE MAYS,
15 Defendant.

)
) No. CR 07-295 MAG

)
) STIPULATION AND ORDER
) CONTINUING EVIDENTIARY
) HEARING

)
) Date: October 9, 2007
) Time: 11:00 a.m.
) Court: The Honorable Elizabeth
D. Laporte

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19 STIPULATION

20 The parties hereby agree and request this Court to continue the evidentiary hearing in the above-
21 captioned matter from October 9, 2007 at 11:00 a.m. until November 20, 2007 at 11:00 a.m. The
22 continuance is requested by defense counsel for three reasons. First, the defense investigator assigned
23 to this matter is planning to be out of town for the remainder of the week on a different case, and
24 defense counsel will not be able to use her investigator to locate and subpoena witnesses this week.
25 Second, defense counsel is having trouble locating one witness for the hearing. Third, defense

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1 counsel has determined that one of the necessary witnesses to the hearing is not being sentenced in
2 state court until October 28, 2007, and thus will not be out of custody in time to report for a hearing
3 on October 9, 2007. Defense counsel is currently in the process of procuring a writ ad testificadum
4 for the witness' presence at the November 20, 2007 hearing, in case he is not sentenced to time
5 served. Defense counsel recently learned that the Marshal Service needs approximately one month's
6 notice to ensure an in-custody witness' presence in court. Defense counsel will work diligently to
7 provide this Court with the request for a writ ad testificadum this week.

8 For these reasons, defense counsel requests a continuance of the evidentiary hearing date to
9 November 20, 2007 at 11:00 a.m. Defense counsel also wishes to alert the Court that she will be out
10 of town on November 6, 2007 and government counsel is unavailable that week. Furthermore,
11 government counsel is unavailable on November 13, 2007 through the rest of the week, as she is in
12 trial.

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14 It is so stipulated.

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16 DATED: October 2, 2007

/S/

ELIZABETH M. FALK
Assistant Federal Public Defender

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18 DATED: October 2, 2007

/S/

WENDY THOMAS
Assistant United States Attorney

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21 **IT IS SO ORDERED.**

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23 DATED:

THE HONORABLE ELIZABETH D. LAPORTE
UNITED STATES MAGISTRATE JUDGE

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26 STIP & ORDER CONTINUING
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